UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA   :

   - v. -   :   INDICTMENT

JORGE HERNANDEZ, and   :   07 CRIM 817
NELSON WEISBERG,
   a/k/a "Dina Castillo,"   :

          Defendants.   :

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<center>COUNT ONE</center>

     The Grand Jury charges:

     1.   From in or about April 2005, up to and including in or about March 2007, in the Southern District of New York and elsewhere, JORGE HERNANDEZ and NELSON WEISBERG, a/k/a "Dina Castillo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other, to commit offenses against the United States, to wit, to violate Title 18, United States Code, Section 1344.

     2.   It was a part and an object of the conspiracy that JORGE HERNANDEZ and NELSON WEISBERG, a/k/a "Dina Castillo," the defendants, and their coconspirators, unlawfully, willfully, and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and obtain moneys, funds, credits, assets, securities, and other property owned by and under the custody and control of such

financial institution, by means of false and fraudulent
pretenses, representations and promises, in violation of Title
18, United States Code, Section 1344.

<u>OVERT ACTS</u>

3.   In furtherance of the conspiracy and to effect the
illegal object thereof, the following overt acts, among others,
were committed in the Southern District of New York and
elsewhere:

a.   In or about September 2006, an unidentified
coconspirator accessed the PNC bank account of a victim ("Victim
#1"), using PNC's telephone banking system, and changed Victim's
#1's home address to a fraudulent address in Bayonne, New Jersey.

b.   In or about September 2006, an unidentified
coconspirator called PNC Bank and requested that a replacement
ATM card related to Victim #1's account be sent to the fraudulent
address in Bayonne, New Jersey.

c.   On or about September 20, 2006, an
unidentified coconspirator, using the replacement ATM card
related to Victim #1's account, withdrew approximately $5,000
from Victim #1's account, using two automatic teller machines in
the Bronx, New York.

d.   On or about September 21, 2006, an
unidentified coconspirator, using the replacement ATM card
related to Victim #1's account, withdrew approximately $6,000
from Victim #1's account, using at least three different
automatic teller machines in the Bronx, New York.

e.   On or about January 29, 2007, JORGE HERNANDEZ, the defendant, accessed the PNC bank account of Victim #2 from HERNANDEZ's work station and obtained account information.

f.   In or about February 2007, an unidentified coconspirator contacted PNC bank via telephone and changed the address and phone number associated with the bank account of a second victim ("Victim #2") to a fraudulent address in the Bronx, New York.

g.   In or about February 2007, an unidentified coconspirator contacted PNC Bank and requested that a replacement ATM card be sent to the fraudulent address for Victim #2 in the Bronx, New York.

h.   On or about February 24, 2007, an unidentified coconspirator used the replacement ATM card related to Victim #2's bank account to withdraw approximately $2000 from one or more automatic teller machines in New York, New York.

i.   On or about February 25, 2007, NELSON WEISBERG, the defendant, paid an individual $300, in the Bronx, New York, to cash a money order fraudulently obtained with an ATM card for Victim #2's account.
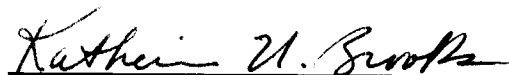
(Title 18, United States Code, Section 1349.)

<u>COUNT TWO</u>

The Grand Jury further charges:

4.   From in or about April 2005, up to and including in or about March 2007, in the Southern District of New York and elsewhere, JORGE HERNANDEZ and NELSON WEISBERG, a/k/a "Dina Castillo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, HERNANDEZ and WEISBERG fraudulently altered the addresses associated with five PNC Bank accounts, ordered new ATM cards for these accounts, and used the ATM cards to withdraw funds and make purchases.

(Title 18, United States Code, Sections 1344 and 2.)

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FOREPERSON

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MICHAEL J. GARCIA
United States Attorney

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JORGE HERNANDEZ, and
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a/k/a "Dina Castillo,"

Defendants.

INDICTMENT

07 Cr.

(18 U.S.C. §§ 1349, 1344 and 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.